



**Portland General Electric Company**

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**Cece L. Coleman**

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August 12, 2021

Via Electronic Filing

Public Utility Commission of Oregon  
Attn: Filing Center  
201 High Street Southeast, Suite 100  
P.O. Box 1088  
Salem, Oregon 97308-1088

Re: NC 395 - Public Utility Commission of Oregon v. Portland General Electric  
Company

Dear Filing Center:

Enclosed for electronic filing today in the above-captioned docket is a Stipulation for  
Entry of Final Order.

Should you have any questions or need anything further, please do not hesitate to  
contact me.

Sincerely,

A handwritten signature in blue ink that reads "Cece L. Coleman".

Cece L. Coleman  
Assistant General Counsel

CLC:kb  
Enclosure  
cc: Johanna Riemenschneider (via email)

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

NC 395

PUBLIC UTILITY COMMISSION OF  
OREGON,

Complainant,

v.

PORTLAND GENERAL ELECTRIC  
COMPANY,

Defendant.

STIPULATION FOR ENTRY OF  
FINAL ORDER

The Public Utility Commission of Oregon, appearing by and through Johanna M. Riemenschneider, Senior Assistant Attorney General, and Portland General Electric Company, the Defendant herein, hereby stipulate as follows:

1.

A Complaint in this case is pending before the Commission charging the Defendant with a violation of OAR 952-001-0070(1)(a), and proposing a civil penalty of \$5,000.

2.

Both parties to this proceeding are willing to forego further processing of that Complaint and further are willing to resolve this matter on the basis of this Stipulation.

3.

The Defendant does not admit that the pending violation was committed as alleged in the Complaint, but in recognition of the fact that PGE could have sought further clarification from the excavator in the absence of any excavation markings, and in the interest of bringing this matter to a close, PGE agrees the Commission may enter an order finding that a violation of OAR 952-001-0070(1)(a) was committed by PGE.

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4.

The parties further agree that the Commission may enter an order assessing a civil monetary penalty against Defendant in the amount of \$5,000 under the following terms and conditions:

- A. Defendant must sign and return this Stipulation within 20 days of the date it is finalized and served upon (mailed to) Defendant.
- B. A \$1,000 civil penalty becomes due and payable on or before the 30<sup>th</sup> day following the Commission's entry of its order in this docket.
- C. Payment must be by **money order** made out to the **Public Utility Commission of Oregon**, and the **memo line of the money order must state the "NC" docket number** for this docket in the caption of this Stipulation.
- D. Payment of the remaining civil penalties (\$4,000) is suspended and will be waived and no further penalties will be imposed by the Commission against PGE at this time for the violation of OAR 952-001-0070(1)(a). If Defendant fails to comply with all of the terms of this Stipulation and all of the rules adopted by the Oregon Utility Notification Center (OUNC) under ORS 757.552 for a 30-day period following the date of the Commission's entry of an order, then payment of the remaining civil penalty (\$4,000) will become due, in addition to any other applicable penalties for the subsequent violation.
- E. On or before the 30<sup>th</sup> day following the Commission's entry of its order in this docket, Defendant must provide a revised plan or procedure (policy) that identifies the workflow for locating and marking underground facilities, investigating and troubleshooting damages to underground facilities. The policy may be consistent with the policy provided on August 18, 2018 in Docket NC 383, under Commission Order No. 18-222, but must include, though it is not limited to, the following:

- (1) Description of the purpose of the policy and commitment thereof by leadership, management, and employees;
  - (2) Identification of the means and systematic process of receiving, recording and dispatching all Notification information as collected by the OUNC's one-call vendor;
  - (3) Identification of the means to ensure Notification management software is compatible in order to receive all Notification information administered by the OUNC's one-call vendor;
  - (4) Identification of the notifications and types of responses for marking underground facilities;
  - (5) Identification of the tasks assigned to participants by title or position and their roles and responsibilities in the workflow process;
  - (6) Identification of the technology or systems and methods used throughout the policy that enables the completion of identified tasks; and
  - (7) Establish criteria for periodic review of effectiveness and identification of best practices.
- F. In the event that Complainant contends that Defendant has not complied with all of the terms of this Stipulation and all OUNC rules for that 30-day period, Complainant may reopen this proceeding and petition for imposition of all or a portion of the suspended penalty. In such case, Defendant is entitled to a hearing and to be notified of the basis upon which Complainant contends that compliance has not occurred.
- G. Complainant's failure to enforce any provision of this Stipulation, or decision to waive any violation or nonperformance of this Stipulation in one instance, will not constitute a waiver by the Complainant of that provision, any other provision, or any other violation or nonperformance in another instance.

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5.

This Stipulation is conditioned upon final approval of its terms by the Commission. If the Stipulation is not accepted in its entirety, it is deemed withdrawn.

DATED this 30th day of July 2021.

/s/ Johanna Riemenschneider  
Johanna M. Riemenschneider, # 990083  
Senior Assistant Attorney General  
Of Attorneys for the Public Utility Commission  
of Oregon

DATED this Aug 12, 2021

  
Larry Bekkedahl (Aug 12, 2021 11:04 PDT)  
Defendant / Representative (signature)  
Larry Bekkedahl  
(Print Name)

*clc*  
clc